

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 28-33 were pending in the application of which Claim 28 is independent. While Claims 28-33 were deemed allowable in a first Advisory Action dated May 16, 2005, in the second Advisory Action dated June 29, 2005, the Examiner stated that "domain controller", "remote terminal server", and "file server," as recited in independent Claim 28, are inherent in Richardson et al. "Virtual Network Computing", IEEE Internet Computing, Vol. 2, No. 1, January 1998, pp. 33-38 ("*Richardson*"). Applicants hereby address the Examiner's holdings in the second Advisory Action in turn.

Applicants thank Examiner Sharon for the courtesy of a telephone interview on August 26, 2005, requested by the undersigned to discuss the Examiner's inherency holdings in the second Advisory Action. During the interview, Applicants argued that the "domain controller", "remote terminal server", and "file server," as recited in independent Claim 28, are not inherent in *Richardson*. The Examiner asked the undersigned to submit arguments made during the interview in a Response. The Examiner agreed during the interview that the "domain controller", "remote terminal server", and "file server," as recited in independent Claim 28, are not inherent in *Richardson*.

Applicants respectfully submit that inherency requires inevitably. Thus, to be inherent the alleged result must be inevitable from the operation disclosed or the

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inherent characteristic must be inevitably present in the device. (See *Akamai*

*Technologies, Inc. v. Cable & Wireless Internet Serv., Inc.*, 344 F.3d 1186, 1192, 68 USPQ2d 1186, 1190 (Fed. Cir. 2003) ("A claim limitation is inherent in the prior art if it is necessarily present in the prior art, not merely probably or possibly present.")

First, Applicants respectfully submit that a "domain controller" is not inevitable from *Richardson*. While *Richardson* discloses that "the protocol will operate over any reliable transport such as TCP/IP," Applicants submit that the mere presence of TCP/IP does not inevitably include a "domain controller." For example, TCP/IP is a communications protocol. This protocol may be used in network communications without a domain controller. Accordingly, a "domain controller" is not inevitable from *Richardson*.

Next, Applicants respectfully submit that a "remote terminal server" is not inevitable from *Richardson*. Merely because *Richardson* states that "the protocol is designed to make the client as simple as possible, it is usually up to the server to perform any necessary translations..." this statement does not make a remote terminal server inevitable. Moreover, even if a "remote terminal server" were inevitable from *Richardson*, *Richardson* does not inevitably disclose a "remote terminal server operative: to connect to a computing device; to provide the computing device a software module for allowing exchange of data between the computing device and the remote terminal server; to provide the computing device, through the software module, an emulation of an operating system of the remote terminal server, to provide the computing device, through the software module, an emulation of the computing device's desktop configuration, the desktop configuration being passed to the computing device from the remote terminal server; to monitor actions at the computing device by the operating system of the remote terminal server; to update the emulation of the operating system provided to the computing device in response to the actions at the computing device; to update the emulation of the desktop configuration provided to the computing

device in response to the actions at the computing device; to provide the computing device use of a software application, the software application being resident on the remote terminal server," as recited by Claim 28.

Moreover, Applicants respectfully submit that a "file server" is not inevitable from *Richardson*. Merely because *Richardson* states that "because the protocol is designed to make the client as simple as possible, it is usually up to the server to perform any necessary translations...", *Richardson* does not make a file server inevitable. Moreover, figures 2(a) to 2(d) showing a variety of applications, and files, being displayed on a VNC client does not make a file server inevitable. For example, files may be sent to the client using many elements other than a file server. Accordingly, a "file server" is not inevitable from *Richardson*.

As a result, Applicants respectfully assert that the Examiner has failed to make a *prima facie* case of obviousness regarding Independent Claim 28. In order to make a *prima facie* case of obviousness, the Examiner must set forth prior art which teach or suggest every claim limitation. (See MPEP § 2143.) Furthermore, the cited art does not anticipate the invention as claimed. Accordingly, independent Claim 28 patentably distinguishes the present invention over the cited art, and Applicants respectfully request the Examiner to allow Claim 28 to issue.

Dependent Claims 29-33 are also allowable at least for the reasons described above regarding independent Claim 28, and by virtue of their dependency upon independent Claim 28. Accordingly, Applicants respectfully request the Examiner to allow dependent Claims 29-33 to issue.

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 13-2725.

Respectfully submitted,



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By: \_\_\_\_\_

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